

REMARKS

Claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45-48, 63, 94, 96-98, 101-103, 105-108, and 134-145 were previously pending in this application before entrance of the present Amendment. Claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45, 47, 48, 63, 134, and 138 stand rejected by the Examiner, and claims 94, 96-98, 101-103, 105-108, 135-137, and 138-145 have been withdrawn from consideration by the Examiner at this time. By this Amendment, claims 18, 30, 34, 46, 63, 94, and 106 have been amended, and claims 29, 31, 45, 47, 105, and 107 have been canceled. As a result, claims 18, 20-22, 26, 27, 30, 32, 34, 36-38, 42, 43, 46, 48, 63, 94, 96-98, 101-103, 106, 108, and 134-145 are pending in this case. No new matter has been added to the Application by this Amendment. Applicant reserves the right to pursue subject matter canceled from the pending claims in a future application claiming priority to the present application. Applicant respectfully requests reconsideration of the amended claims in this case.

Each of the rejections levied by the Examiner in the outstanding Office Action is discussed in turn below.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45-48, 63, 134 and 138 under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner maintains that the specification, while being enabling for R₂ to be an alkyl, alkoxyalkyl, or hydrogen, does not reasonably provide enablement for R₂ to be the various groups recited in the claims. Applicant disagrees. However, solely to facilitate the prosecution of the present application, Applicant has amended the pending claims to recite R₂ to be an alkyl, alkoxyalkyl, or hydrogen, thus obviating the present rejection. Applicant respectfully submits that one of ordinary skill in the art could make and use the invention commensurate in scope with the amended claims. Accordingly, withdrawal of the rejection of claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45-48, 63, 134, and 138 under § 112 is respectfully requested.

Double Patenting Rejection

The Examiner has rejected claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45-48, 63, 134 and 138 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending U.S. patent application, U.S.S.N. 11/884,153, filed September 23, 2008. Applicant wishes to defer commenting on this rejection until it has matured into an actual rejection.

The Examiner has rejected claims 18, 20-22, 26, 27, 29-32, 34, 36-38, 42, 43, 45-48, 63, 134, and 138 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2, 4, 5, and 7 of copending U.S. patent application, U.S.S.N. 10/595,792, filed November 12, 2004. Applicant also wishes to defer commenting on this rejection until it has matured into an actual rejection.

If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency, or credit any overpayment, to our Deposit Account No. 23/2825, under Docket No. C1271.70018US01, from which the undersigned is authorized to draw.

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Respectfully submitted,

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